

What is the financial source of the employee-payroll?

How do employee fringe benefits, rights, obligations, and restrictions of the entity's employees compare to those of the employees of other State and local departments and agencies?

In evaluating these factors, due regard will be given to whether any occupational safety and health program exists to protect the entity's employees.

(d) *Weight of the factors.* The above list of factors is not exhaustive and no factor, isolated from the particular facts of a case, is assigned any particular weight for the purpose of a determination by the Secretary of Labor as to whether a given entity is a "State or political subdivision of a State" and, as such, not subject to the Act as an "employer". Each case must be viewed on its merits; and whether a single factor will be decisive, or whether the factors must be viewed in their relationship to each other as part of a sum total, also depends on the merits of each case.

(e) *Examples.* (1) The following types of entities would normally be regarded as not being employers under section 3(5) of the Act: the State Department of Labor and Industry; the State Highway and Motor Vehicle Department; State, county, and municipal law enforcement agencies as well as penal institutions; State, county, and municipal judicial bodies; State University Boards of Trustees; State, county, and municipal public school boards and commissions; and public libraries.

(2) Depending on the facts in the particular situation, the following types of entities would probably be excluded as employers under section 3(5) of the Act: harbor districts, irrigation districts, port authorities, bi-State authorities over bridges, highways, rivers, harbors, etc.; municipal transit entities; and State, county, and local hospitals and related institutions.

(3) The following examples are of entities which would normally not be regarded as a "State or political subdivision of a State", but unusual factors to the contrary in a particular case may indicate otherwise: Public utility companies, merely regulated by State or local bodies; businesses, such as alcoholic beverage distributors, licensed

under State or local law; other business entities which under agreement perform certain functions for the State, such as gasoline stations conducting automobile inspections for State and county governments.

**§ 1975.6 Policy as to domestic household employment activities in private residences.**

As a matter of policy, individuals who, in their own residences, privately employ persons for the purpose of performing for the benefit of such individuals what are commonly regarded as ordinary domestic household tasks, such as house cleaning, cooking, and caring for children, shall not be subject to the requirements of the Act with respect to such employment.

**PART 1977—DISCRIMINATION AGAINST EMPLOYEES EXERCISING RIGHTS UNDER THE WILLIAMS-STEIGER OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970**

**GENERAL**

**Sec.**

- 1977.1 Introductory statement.
- 1977.2 Purpose of this part.
- 1977.3 General requirements of section 11(c) of the Act.
- 1977.4 Persons prohibited from discriminating.
- 1977.5 Persons protected by section 11(c).
- 1977.6 Unprotected activities distinguished.

**SPECIFIC PROTECTIONS**

- 1977.9 Complaints under or related to the Act.
- 1977.10 Proceedings under or related to the Act.
- 1977.11 Testimony.
- 1977.12 Exercise of any right afforded by the Act.

**PROCEDURES**

- 1977.15 Filing of complaint for discrimination.
- 1977.16 Notification of Secretary of Labor's determination.
- 1977.17 Withdrawal of complaint.
- 1977.18 Arbitration or other agency proceedings.

**SOME SPECIFIC SUBJECTS**

- 1977.22 Employee refusal to comply with safety rules.
- 1977.23 State plans.